

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

**U.S. Bank Trust, N.A., as Trustee for LSF9
Master Participation Trust**

Plaintiff

vs.

Laurie Salamone

Case No. 2:21-cv-00203-LEW

Defendant

**TD Bank fka Banknorth, N.A.
Phil Gagnon Oil Company
Capital One Bank (USA), N.A.
Midland Funding LLC
First Resolution Investment Corporation**

Parties-in-Interest

JUDGMENT OF FORECLOSURE AND SALE

337 Raymond Hill Road, Raymond, Maine
Book 18934, Page 277

This matter came before the Court for a Damages Hearing on Plaintiff's Motion for Default Judgment on January 20, 2022. Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, was present and represented by Reneau J. Longoria, Esq. Defendant, Laurie Salamone, did not appear; Parties-in-Interest, TD Bank f/k/a Banknorth, N.A., Phil Gagnon Oil Company, Capital One Bank (USA), N.A., Midland Funding LLC, and First Resolution Investment did not appear.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - *Quantum Meruit*, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the

Plaintiff. **JUDGMENT** on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendant or his/her heirs or assigns pay U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (“U.S. Bank”) the amount adjudged due and owing (\$149,353.11) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, U.S. Bank shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing as of January 20, 2022:

<u>Description</u>	<u>Amount</u>
Principal Balance	\$126,497.96
Interest	\$4,334.50
Escrow Advance	\$12,030.95
Suspense Balance	\$-1.89
Rec. Corporate Advance Balance	\$6,491.59
Grand Total	\$149,353.11

2. If the Defendant or his/her heirs or assigns do not pay U.S. Bank the amount adjudged due and owing (\$149,353.11) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S. § 6322, his/her remaining rights to possession of the Raymond Property shall terminate, and U.S. Bank shall conduct a public sale of the Raymond Property in accordance with 14 M.R.S. § 6323, disbursing the proceeds first to itself in the amount of \$149,353.11 after deducting the expenses of the sale, with any surplus to be disbursed pursuant to Paragraph 5 of this Judgment, and in accordance with 14 M.R.S. § 6324. U.S. Bank may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff’s waiver of deficiency.
3. In the event that the Defendant, and anyone occupying the premises, do not vacate the property upon termination of his/her right to possession, U.S. Bank may reopen this

matter to seek a Writ of Assistance and/or Writ of Possession to be served by the U.S. Marshals Service pursuant to Federal Rule of Civil Procedure 4.1(a) consistent with this Judgment.

4. Pursuant to 14 M.R.S. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
- 5 The amount due and owing is \$149,353.11.
- 6 The priority of interests is as follows:
 - U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust has first priority, in the amount of \$149,353.11, pursuant to the subject Note and Mortgage.
 - TD Bank NA f/k/a Banknorth, N.A., who has been defaulted, is in first priority behind the Plaintiff, pursuant to a Mortgage, in the amount of \$20,000.00, and recorded in the Cumberland County Registry of Deeds in Book 21938, Page 281.
 - Phil Gagnon Oil Company, who has been defaulted, is in second priority behind the Plaintiff, pursuant to a Notice of Lien in the amount of \$495.33, dated June 16, 2006, and recorded in the Cumberland County Registry of Deeds in Book 24115, Page 139.
 - Capital One Bank (USA), N.A., who has been defaulted, is in third priority behind the Plaintiff, pursuant to Writ of Execution, dated November 15, 2009, and recorded in the Cumberland County Registry of Deeds in Book 27569, Page 162.
 - Midland Funding LLC who has been defaulted, is in fourth and fifth priority behind the Plaintiff, pursuant to a Writ of Execution in the amount of \$898.81

dated August 2, 2010, and recorded in the Cumberland County Registry of Deeds in Book 27994, Page 256 and a Writ of Execution in the amount of \$717.33 dated November 29, 2010, and recorded in the Cumberland County Registry of Deeds in Book 28427, Page 42.

- First Resolution Investment Corporation who has been defaulted, in in sixth and seventh priority behind the Plaintiff, pursuant to a Writ of Execution in the amount of \$4,125.61 dated May 31, 2011, and recorded in the Cumberland County Registry of Deeds in Book 28964, Page 154 and a Writ of Execution in the amount of \$2,844.90 dated July 8, 2011, and recorded in the Cumberland County Registry of Deeds in Book 29276, Page 301.
- Defendant, Laurie Salamone has the eighth priority behind the Plaintiff.

7. The prejudgment interest rate is 5.25000%, *see* 14 M.R.S. § 1602-B, and the post-judgment interest rate is .15%, *see* 28 U.S.C. § 1961.
8. The following information is included in this Judgment pursuant to 14 M.R.S. § 2401(3):

	<u>PARTIES</u>	<u>COUNSEL</u>
PLAINTIFF	U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust 425 Walnut Street Cincinnati, OH 45202	Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center, Suite 303C Beverly, MA 01915
DEFENDANT	Laurie Salamone 337 Raymond Hill Raymond, ME 04071	Pro Se
	P.O. Box 53 Raymond, ME 04071	

PARTIES-IN-INTEREST

Capital One Bank (USA) NA Pro Se
1680 Capital One Drive
McLean, VA 22102

First Resolution Investment Pro Se
Corporation
c/o Corporation Service
Company
45 Memorial Circle
Augusta, ME 04330

Midland Funding LLC Pro Se
c/o Corporation Service
Company
45 Memorial Circle
Augusta, ME 04330

Phil Gagnon Oil Company Pro Se
16551 San Edmundo Road
Punta Gorda, FL 33955

TD Bank NA fka Banknorth Pro Se
NA
One Portland Square
Portland, ME 04101

- a) The docket number of this case is no. 2:21-cv-00203-LEW.
- b) All parties to these proceedings received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 337 Raymond Hill Road, Raymond, ME 04071, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 337 Raymond Hill Road, Raymond, ME 04071. The Mortgage was executed by the Laurie Salamone and Bruce A. Partridge on February 21, 2003. The book and page number of the

Mortgage in the Cumberland County Registry of Deeds is Book 18934, Page 277.

- e) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an *in rem* judgment against the property, 337 Raymond Hill Road, Raymond, ME 04071.

SO ORDERED.

Date this 20th day of January, 2022.

/s/ Lance E. Walker
UNITED STATES DISTRICT JUDGE